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# AN AMERICAS WATCH REPORT

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The State Department  
Misinforms:  
A Study of Accounting  
for the Disappeared  
in Argentina

October 1983

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## Introduction

On September 23, 1983, the Argentine armed forces announced that they had amnestied themselves for the crimes they had committed during the so called "dirty war against subversion." Aware that such an amnesty was under active consideration, the Americas Watch had commissioned a study that, we believe, bears centrally on one of the claims made to justify the amnesty -- a claim that was actually made with more specificity by the U.S. Department of State in the United States than the Argentine armed forces ever ventured to make it in Argentina.

The study grew out of one sentence. Appearing in the State Department's Country Reports on human rights practices for 1982, published in February 1983, that sentence ran:

The Argentine Government has received approximately 6,600 requests for information on the whereabouts of disappeared persons and is believed to have provided information to family members on the deaths and in some instances the location of the remains of the disappeared in about 1,450 cases.

This assertion that more than twenty percent of the disappeared had been officially accounted for, suggested that the Argentine military government had made a significant good faith effort to resolve disappearance cases. It could have permitted the Administration to certify progress in accounting for disappearances, a legal prerequisite for

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resuming military aid to Argentina. At that time, the Administration was known to be seriously considering such a certification. Though certification did not take place then, probably because Congressional opposition was too strong, the Administration will most likely revive the idea if the Argentine elections, scheduled for the end of October, take place as planned. Once again, it will become necessary for the Administration to demonstrate progress in accounting for disappearances and the statement in the Country Reports will assume renewed significance. But the statement contradicts all information previously available on the subject to Argentine human rights groups. At Americas Watch's request, the Argentine legal research and documentation center CELS (Centro de Estudios Legales y Sociales) undertook to investigate.

Working from a base of fully-documented disappearance cases, CELS selected a representative sample of 1,100 and sent questionnaires to the families of the victims.\* Despite the delicacy of the issue and the possible risk to participants - many feared that mailed responses might be opened by the authorities - CELS received answers in 607

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\*The Asemblea Permanente por los Derechos Humanos (APDH) in Buenos Aires maintains a list of 6,500 disappearance cases, of which 4,464 are completely documented. The total number of disappearances since 1976 is estimated at 15-22,000.

cases, or 55% of the sample, a sizeable response for a mail survey.

The study's results thoroughly belie the Country Report's assertion and cast question on the State Department's research methodology, so far does the Report stray from reality. A mere eighteen families (3% of respondents) had received some kind of information on their missing; only two respondents had been able to recover the victim's remains, and then only years after the disappearance. In no case was the information sufficient to explain what had happened to the victim after disappearance and who was responsible for the disappearance or death; some families were told that the disappeared person had been released from custody, some heard news a year after detention but later nothing more. Nor was information received through appropriate official action; some families learned of their relatives' deaths from the newspapers, one from an official's verbal message. In short, the Argentine military government did not respond to these families' requests for information with any semblance of system or respect.

As important as the results themselves is the context in which CELS performed the study. Since August 1982, the Argentine armed forces had talked of promulgating a self-amnesty law, purporting to make their members invulnerable to prosecution for disappearances and a full accounting of the disappeared impossible. The military put

forth two basic rationales for the amnesty: (1) that disappearances can be explained as war casualties -a position most fully expressed in the April 28, 1983 "Final Document of the Military Junta on the Struggle Against Subversion and Terrorism;" and (2) that many members of the armed forces who are responsible for political crimes have been punished. Yet no credible figures or other details have been officially released to buttress the second contention, and the first was greeted with international and domestic outrage when the "Final Document" appeared.

Outrage, however, has not been the Reagan Administration's tone where Argentine disappearances are concerned. The U.S. response to the "Final Document" was muted. And the State Department has been willing to accept - and print, without clear explanation - such exculpatory claims as the one which prompted this study. In this case it even did the Argentine armed forces one better, for no Argentine official statement had made so wild a numerical claim as did the Country Report. According to a high-level State Department officer, the Country Report's unattributed reference to 1,450 cases ("believed" to be resolved) was based on a private estimate by the Interior Minister,\* whose

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\*The Americas Watch has sought further information on the source through a Freedom of Information Act request. At this writing, however, the only response has been a form letter advising us that "there will be a delay in responding."

credibility appears to have gone unquestioned and whose figure went into the Report unbalanced by more empirical, if less flattering, data from human rights sources. It seems inconceivable that the Department of State would accept the unsupported private communication from an official of a less "friendly" repressive government, of the Soviet Union for example, on so sensitive a subject. Such bias obviously does not serve the cause of human rights, but neither does it serve the credibility of this Administration.

Disappearances remain one of Argentina's foremost political issues and the principal symbol of military rule. As the country moves toward elections on the one hand, the military promulgates self-amnesty on the other. In this delicate situation, as the CELS study emphasizes once again, the military has shown no willingness to answer for its crimes and the U.S. State Department has aided the military in a deception.